

EXHIBIT 5

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JOSEPH MANTHA on behalf of himself
and others similarly situated,
Plaintiff,

vs.

CASE NO. 1:19-cv-12235-LTS

QUOTEWIZARD.COM, LLC,
Defendant.

-----x

VIDEOTAPED DEPOSITION OF

MATTHEW WEEKS

CONDUCTED VIRTUALLY

Friday, September 8, 2023

11:11 a.m. EDT

Laurie K. Langer, RPR

<p style="text-align: right;">Page 22</p> <p>1 is on our business development side who does that. And 2 then she's got a couple of people on her team that, I 3 believe, also do it. 4 Q. But the websites at which these third-party lead 5 vendors generate leads are not QuoteWizard websites; 6 correct? 7 A. For the third-party traffic that, that me and my 8 team are specifically by? No, that does not come from 9 QuoteWizard's websites. 10 Q. Okay. And are you familiar with -- do you have 11 any responsibility for leads that come through 12 QuoteWizard's own websites? 13 A. I do not. 14 Q. Are you familiar with, with the term "inbound" 15 with respect to a lead? 16 A. Yes. 17 Q. And is inbound a reference to a lead that's 18 generated on a third-party lead vendor website? 19 A. Yes. 20 Q. And in interrogatories in this case I believe 21 you've identified that there are approximately 180 lead 22 vendors that QuoteWizard uses; is that correct? 23 A. That number fluctuates. We're not at 180 at this 24 present moment. It's -- that number is not a static</p>	<p style="text-align: right;">Page 24</p> <p>1 that particular answer, because if I'm remembering 2 correctly I believe that number was a total number of 3 vendors that we had worked with, it wasn't -- I think 4 that was for a certain period of time. 5 Q. Okay. Why don't we do that. 6 A. That wasn't a number like an always, an always 7 number. If I'm remembering correctly. 8 Q. Let's see if I can pull up the right one. 9 Okay. I have marked as Exhibit 2 10 Defendants -- can you see that screen? 11 A. Yeah, I'm pulling it up right now. 12 Q. Okay. Great. 13 (Deposition Exhibit No. 2 marked for 14 identification.) 15 A. Which number am I looking for? 16 Q. I'm just identifying it for the record. I'm 17 showing you what's been marked as Exhibit 2, Defendant's 18 Supplemental Responses to Plaintiff's Third Set of 19 Interrogatories. 20 And I believe it's asked -- 21 A. Okay. I see it. It's in -- it's in the 22 first -- it's in the two, number 2. 23 Q. Number 2. Okay. Thank you. 24 A. One, two, three, four, it's in the fifth</p>
<p style="text-align: right;">Page 23</p> <p>1 number. 2 Q. What -- what are you at now? 3 A. I would say that we are -- we're probably in the 4 neighborhood of 80 to 90 right now. 5 Q. Okay. And -- 6 MR. POLANSKY: And, Ted, I don't mean to 7 interrupt, but your computer screen is on our screen. 8 VIDEOGRAPHER: Ted, I don't mean to 9 interrupt either, but I don't suppose you got my chat 10 message. 11 MR. BRODERICK: Oh. I wasn't looking. 12 Sorry. 13 VIDEOGRAPHER: Okay. I'll just reiterate, 14 if you wouldn't mind when you're finished, when you're 15 finished with a document, questioning on the document, I 16 would take it down or otherwise it just stays up there. 17 MR. BRODERICK: Okay. Got it. Got it. 18 VIDEOGRAPHER: Okay. 19 MR. POLANSKY: Sorry, Ted. 20 MR. BRODERICK: No, no. Thank you. 21 Q. But over the last four years was, was 180 an 22 average; or do you have a sense? 23 A. An average over the last four years. I'd 24 also -- I would want to look at the interrogatory of</p>	<p style="text-align: right;">Page 25</p> <p>1 paragraph down. 2 Q. On the fifth page? 3 A. Correct. That's where I'm seeing it at least. 4 Q. Right. And it says, "in the putative class 5 period, QuoteWizard purchased leads from (approximately) 6 over 180 possible lead suppliers." 7 And this is -- these are interrogatories that you 8 signed, correctly -- correct? 9 A. Let me -- yes. 10 Q. And your answer goes on to say that QuoteWizard 11 purchased -- "these lead suppliers in turn necessarily 12 would have purchased -- would have either purchased 13 leads from or generated leads from thousands (if not 14 hundreds of thousands) of different lead websites that 15 necessarily have various different forms of consent 16 language that might be contested by counsel and would 17 require individualized inquiries into each consumer's 18 agreement to disclosure language." 19 And that's your answer; correct? 20 A. Correct. 21 MR. POLANSKY: Just for clarification. I 22 think that's part of the objection. 23 MR. BRODERICK: It says "answer." 24 Interrogatory 2, answer.</p>

<p style="text-align: right;">Page 26</p> <p>1 A. Yeah. But there is, "moreover, QuoteWizard 2 objects insofar as" and then it goes on to say all of 3 that stuff. 4 Q. Okay. Well, do you agree with that statement by 5 your attorney and the objection, if we're going to 6 characterize that as an objection? 7 A. Yes. 8 Q. And QuoteWizard didn't look at the thousands or 9 hundreds of thousands of different lead websites that 10 QuoteWizard's leads came from, did it? 11 A. No. 12 Q. And you couldn't have done that; right? 13 A. No. 14 Q. You don't even know what those different websites 15 that provided leads to your lead brokers were? 16 MR. POLANSKY: Objection. 17 A. I don't know what the -- I don't know what the 18 websites are, or? 19 Q. You don't know what the sub -- this -- this seems 20 to me to be describing that QuoteWizard's lead vendors 21 in turn get leads from other websites; correct? 22 A. That would be correct. Our vendors have 23 partners. 24 Q. And your vendors -- vendors or sub vendors, you,</p>	<p style="text-align: right;">Page 28</p> <p>1 by QuoteWizard"? 2 MR. POLANSKY: Objection. 3 A. Honestly, I -- I don't know if that's what it 4 says in our contracts. 5 Q. And do you require that the consent provided to 6 QuoteWizard allows consumers the right to opt out of 7 receiving telephone solicitations on behalf of 8 QuoteWizard? 9 A. Absolutely. A consumer can opt out at anytime. 10 Q. But does the consent -- do you require that the 11 consent that you get, the website through which that was 12 created has, provides that to the consumer? 13 MR. POLANSKY: Objection. 14 A. I'm -- I'm not following the question. 15 Q. Well, the consent to receive telephone 16 solicitations, you have to give the person a right to 17 opt out of receiving those. 18 Is there any requirement in your contracts that 19 leads have to -- leads that are provided to you have to 20 have come from a site that says the consumer can opt 21 out? 22 MR. POLANSKY: Objection. 23 A. I -- I'm not sure if that's in our contracts or 24 not.</p>
<p style="text-align: right;">Page 27</p> <p>1 QuoteWizard never reviewed those websites; correct? 2 A. QuoteWizard didn't. We leave that up to our 3 partners to vet their sources. 4 Q. Okay. And for a lead provided to QuoteWizard, 5 does QuoteWizard require that any lead come with prior 6 express written consent to receive a telephone 7 solicitation from QuoteWizard by name? 8 MR. POLANSKY: Objection. 9 A. We require our vendors to provide consent, yeah. 10 Q. And what consent do you require them to provide? 11 A. Via our -- 12 MR. POLANSKY: Objection. 13 You can answer. 14 A. Well, via our contracts with them they have, I 15 mean, they have to provide -- they can't sell us a lead 16 that doesn't, that doesn't have consent. 17 Q. Right. But I want to know what, what that 18 consent has -- what is the -- so it has to have consent; 19 what does that mean? 20 A. It's usually, like, a check box, like an opt in 21 is what we call it. Like, where the consumer flicks a 22 box that says, "I opt in to essentially be contacted." 23 Q. And does the -- do the contracts require that it 24 has to be consent that says, "I consent to be contacted</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. QuoteWizard -- well, you're not -- you're not 2 specifically familiar with what leads Drips was 3 providing to -- well, you said that you don't buy leads 4 from Drips. What did Drips do for QuoteWizard? 5 A. That's -- that's Tricia's area. 6 Q. Not your area. Okay. 7 A. I don't deal with Drips, yeah. 8 Q. Are you familiar with when QuoteWizard gets a 9 lead from one of your lead vendors, what does 10 QuoteWizard then do with that lead? 11 MR. POLANSKY: Objection. At what point in 12 time? As part of the ping post? Once they've posted? 13 MR. BRODERICK: After it's posted, accepted, 14 purchased by QuoteWizard. 15 MR. POLANSKY: Okay. 16 Q. What does QuoteWizard then do with that lead, if 17 anything? 18 A. We pass that on to the insurance carrier that we 19 purchased it for. And depending on the lead it might go 20 to our own, our own call center. 21 Q. QuoteWizard has its own call center? 22 A. Correct. 23 Q. Do you know where that call center is located? 24 A. I do not. I -- that would be Tricia's over --</p>

<p style="text-align: right;">Page 66</p> <p>1 is speaking on that.</p> <p>2 Q. I want to show you a different set of</p> <p>3 interrogatory answers. I've marked as Exhibit 9</p> <p>4 Defendant's Supplemental Answers to Interrogatories</p> <p>5 which are dated June 15th. Although your verification</p> <p>6 was signed on June 21st.</p> <p>7 A. It is loading currently for me. Okay. I can see</p> <p>8 it.</p> <p>9 Q. I grabbed the wrong one again. Hold on.</p> <p>10 A. So don't look at that?</p> <p>11 Q. Don't look at that. Don't bother.</p> <p>12 A. Okay.</p> <p>13 Q. Let me just ask you, QuoteWizard, the purpose</p> <p>14 when you were buying leads was to buy consumer leads;</p> <p>15 correct?</p> <p>16 A. The -- yeah, the purpose is to buy leads of</p> <p>17 consumers who are looking for insurance.</p> <p>18 Q. So you weren't looking to buy leads relating to</p> <p>19 businesses; correct?</p> <p>20 A. To businesses, no. We -- individual consumers.</p> <p>21 Q. Okay. So if a -- if a lead had a business in it</p> <p>22 that was an accident; correct?</p> <p>23 A. If a lead had a business in it? What do you mean</p> <p>24 by that?</p>	<p style="text-align: right;">Page 68</p> <p>1 E-Sign Act?</p> <p>2 MR. POLANSKY: Objection.</p> <p>3 Q. Or do you know?</p> <p>4 A. Like I said, I don't know what the E-Sign Act is,</p> <p>5 so.</p> <p>6 Q. But you are -- you are the person at QuoteWizard</p> <p>7 responsible for third-party lead vendors; correct?</p> <p>8 A. For managing the relationships, yes.</p> <p>9 Q. And you set out the requirements for what</p> <p>10 third-party lead vendors have to have in their leads in</p> <p>11 order to sell them to QuoteWizard?</p> <p>12 MR. POLANSKY: Objection.</p> <p>13 A. That is not my role.</p> <p>14 Q. Whose role is that?</p> <p>15 A. Legal, probably. And in conjunction with our</p> <p>16 tech team to implement it.</p> <p>17 Q. Okay. But it's fair to say that you're not aware</p> <p>18 of any such requirement for leads sold to QuoteWizard?</p> <p>19 MR. POLANSKY: Objection.</p> <p>20 Q. That it comply with the E-Sign Act?</p> <p>21 A. Like I said, I don't know what the E-Sign Act is,</p> <p>22 so I can't say either way.</p> <p>23 Q. Okay. Does QuoteWizard have a written TCPA</p> <p>24 policy?</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. If a lead was, was for a business as opposed to</p> <p>2 an individual consumer.</p> <p>3 A. Like, there was, like, for the first name or the</p> <p>4 last name in the lead it was a business name?</p> <p>5 Q. Correct.</p> <p>6 A. Yeah, that would not have been intentional.</p> <p>7 Q. And that -- would that be a reason -- you talked</p> <p>8 earlier about reasons that companies, let's say</p> <p>9 insurance companies or agents to whom you've sold the</p> <p>10 leads could return a lead, would the fact that it was a</p> <p>11 business be one of those reasons?</p> <p>12 A. I -- I can't -- I don't want to speculate. I</p> <p>13 mean, I -- like I said, I don't -- I don't handle</p> <p>14 returns or, or deal with returns in that manner.</p> <p>15 Q. But that's not what you intended to sell to</p> <p>16 insurance companies, that wasn't QuoteWizard's business;</p> <p>17 correct?</p> <p>18 A. Correct.</p> <p>19 Q. Does QuoteWizard require its lead</p> <p>20 vendors -- strike that.</p> <p>21 Are you familiar with the E-Sign Act?</p> <p>22 A. I am not.</p> <p>23 Q. So does QuoteWizard then require your lead</p> <p>24 vendors to obtain consent that is compliant with the</p>	<p style="text-align: right;">Page 69</p> <p>1 MR. POLANSKY: This is for Tricia.</p> <p>2 MR. BRODERICK: Okay.</p> <p>3 MR. POLANSKY: You can answer, if you know.</p> <p>4 Q. Yeah, if you know.</p> <p>5 A. I don't -- I don't know if we have a written TCPA</p> <p>6 policy.</p> <p>7 Q. And to your knowledge does QuoteWizard require</p> <p>8 lead vendors to have on their website a mechanism for</p> <p>9 which consumers can opt out of receiving telemarketing</p> <p>10 messages?</p> <p>11 A. I do not know.</p> <p>12 Q. Okay. I don't think I have any further</p> <p>13 questions. Thank you, Mr. Weeks.</p> <p>14 MR. POLANSKY: I have just a couple quick</p> <p>15 follow ups and then we'll get you going.</p> <p>16</p> <p>17</p> <p>18 EXAMINATION</p> <p>19</p> <p>20 BY MR. POLANSKY:</p> <p>21 Q. You were asked earlier about prior express</p> <p>22 written consent, and you said you hadn't heard that</p> <p>23 terminology before; is that right?</p> <p>24 A. Correct.</p>